

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Boston Edison Company)
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D.T.E. 01-78

PETITION TO INTERVENE OF THE
MASSACHUSETTS WATER RESOURCES AUTHORITY

Pursuant to 220 CMR 1.03, the Massachusetts Water Resources Authority ("MWRA") petitions the Department of Telecommunications and Energy ("Department") for leave to intervene in the above-captioned matter, for the following reasons:

1. MWRA is an independent agency established by St. 1984, c. 372, to operate and rehabilitate the waterworks and sewerage systems for the metropolitan Boston area. The MWRA's administrative offices are located at Charlestown Navy Yard, 100 First Street, Boston, Massachusetts, with various facilities throughout the metropolitan area, including the Deer Island wastewater treatment facility.

2. The MWRA's Deer Island facilities have been served by the Boston Edison Company ("BECo") under a tariffed rate (Rate WR), a Power Supply Agreement between BECo and MWRA, and an Interconnection and Facilities Support Agreement between MWRA and Harbor Electric Energy Company, a BECo subsidiary, as approved by the Department in Harbor Electric Energy Company/Boston Edison Company, D.P.U. 90-288 (1991).

3. On December 3, 2001, BECo filed with the Department its 2001 transition charge reconciliation filing as well as proposed tariffs to implement new rates and charges for its retail customers, "to comply with statutory rate reduction requirements and the Department's rate design directives..." The tariff BECo proposed for Rate WR on December 3, 2001 was, consistent with the design of the other rates included in the new tariffs proposed by BECo, "designed to ensure that the MWRA, the sole member of the WR rate class, receives a minimum 15 percent, rate reduction against inflation-adjusted, pre-restructuring rates for so long as the MWRA receives Standard Offer Service."

4. On December 6, 2001, the Department issued a "Notice of Filing and Request for Comments" directing persons interested in filing comments on BECo's December 3, 2001 filing to submit written comments no later than the close of business on December 7, 2001. The Department has not yet initiated an investigation into the December 3, 2001 filing and has not set a deadline for filing motions to intervene.

5. On December 14, 2001, BECo filed with the Department a new proposed tariff for Rate WR, to supercede and replace the proposed Rate WR tariff filed on December 3, 2001, to implement “changes ... reflecting the fact that the ... [MWRA] has ... elected to leave Standard Offer Service and has commenced receipt of generation supply from a competitive supplier.” The “changes” proposed by BECo for Rate WR would, if approved, result in a substantial and deleterious rate increase for the MWRA’s Deer Island facility of about \$1.2 million in 2002 or 11.3 percent over the rates originally proposed on December 3, 2001 and 11.6 percent over the rates in effect in 2001.

6. The MWRA will be substantially and specifically affected by the Department’s disposition of the proposed changes to Rate WR and because electricity service represents a significant component of the MWRA’s operating costs, approval of the proposed changes in the WR rate, will necessarily be reflected in the sewer charges to MWRA ratepayers.

7. The Department has previously recognized the singular status of the MWRA and the unique character of its electric power requirements. (D.T.E. 96-23, at 35; D.P.U. 90-288, at 13). As such, the MWRA’s particular interest in regard to changes to Rate WR cannot be adequately represented by any other party to this proceeding.

8. In light of the substantial and specific impact of the proposed changes to Rate WR, the MWRA seeks to participate as a full intervenor with the opportunity, as appropriate, to file motions, to seek discovery, to cross-examine witnesses, to present testimony, and to file briefs for the Department’s consideration. The MWRA’s intervention will not improperly expand the scope of the proceeding or interfere with the procedural schedule.

WHEREFORE, the MWRA respectfully requests that the Department allow it to intervene as a party in this proceeding.

By its attorneys,

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Dated: December 21, 2001

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CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon all parties listed on the persons identified on the attached list in accordance with the requirements of 220 CMR 1.05(1).

George B. Dean

Dated: December 21, 2001